

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES EDKINS,

Plaintiff,

v.

CIVIL ACTION NO. 13-11364

DISTRICT JUDGE MARK A. GOLDSMITH

MAGISTRATE JUDGE MARK A. RANDON

RICHARD HIGHAM, *et al.*,

Defendants.

**REPORT AND RECOMMENDATION TO
STRIKE PLAINTIFF'S AMENDED COMPLAINT**

On March 27, 2013, Plaintiff Charles Edkins filed a civil rights Complaint claiming that two wardens, the chief dental officer, and a dental hygienist were deliberately indifferent to his serious dental needs, in violation of the Eighth Amendment (Dkt. No. 1). On June 4, 2013, Edkins filed a wholly unrelated Amended Complaint alleging that he was illegally detained and denied property (Dkt. No. 13).

On August 26, 2013, Edkins was ordered to explain why his Amended Complaint should not be stricken and filed as a separate lawsuit (Dkt. No. 18). Edkins stated that his Amended Complaint is not an amendment to case number 13-11364 and should have been filed as an “entirely new case” (Dkt. No. 19). After reviewing Edkins’ response, this Magistrate Judge **RECOMMENDS** that Edkins’ Amended Complaint be **STRICKEN**, and Defendants United States of America, Eric Holder, J.T. Shartle, Charles Samuels, Jason Hayes, and Charles Howard be **DISMISSED WITHOUT PREJUDICE**. The Clerk’s Office should be directed to file Edkin’s Amended Complaint (Dkt. No. 13) as a new case.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as

provided for in 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of HHS*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge. Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Mark A. Randon
 MARK A. RANDON
 UNITED STATES MAGISTRATE JUDGE

Dated: September 17, 2013

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, September 17, 2013, by electronic and/or first class U.S. mail.

s/Eddrey Butts
 Case Manager to Magistrate Judge Mark A. Randon